

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:10-CR-94
)	
JEAN T. GUMP,)	(GUYTON)
ELIZABETH ANN LENTSCH,)	
BRADFORD J. LYTTLE,)	
WILLIAM JEROME BICHSEL,)	
DAVID L. CORCORAN,)	
BONNIE L. URFER,)	
CAROL SUE GILBERT,)	
ARDETH PLATTE,)	
JAQUELINE MARIE HUDSON,)	
PAULA E. ROSDATTER,)	
MICHAEL WALLI,)	
STEVE J. BAGGARLY, and)	
DENNIS DUVALL,)	
)	
Defendants.)	

ORDER

This case is set for a motion hearing on **November 12, 2010, at 1:30 p.m.** At that time, the Court will hear argument on the Defendants' Motion to Dismiss the Information [Doc. 38], in which the Court has permitted [Doc. 60] all Defendants except for Defendant Bonnie L. Urfer to join. At a hearing on September 8, 2010, counsel for Defendant Urfer represented that she intended to enter into a plea agreement and, thus, did not seek to join in the Motion to Dismiss. On September 27, 2010, Defendant Urfer filed a Motion to Late File Motions to Adopt [Doc. 72], which states that Defendant Urfer will not be entering a guilty plea and asks that she be permitted to file the attached motions to adopt the Motion to Dismiss [Doc. 38] and supporting memorandum [Doc.

39] and Defendant Bichsel's Response to the Government's Motion to Limit His Defense [Doc. 61] and supporting memorandum [Doc. 62]. The Government has not filed an objection to Defendant Urfer's request to file these motions to adopt beyond the motion-filing deadline. Because Defendant Urfer has recently decided not to enter a guilty plea, the Court finds good cause to permit her to file her motions to adopt out of time. See Fed. R. Crim. P. 12(e) (providing that for good cause shown, the court may grant relief from the waiver of an issue resulting from the failure to file a motion within the deadline set by the court). Accordingly, Defendant Urfer's Motion to Late File Motions to Adopt [**Doc. 72**] is **GRANTED**, and the Clerk of Court is **DIRECTED** to file the two motions attached to Document 72 in the record. Moreover, Defendant Urfer's Motion to Adopt her Codefendants' Motion to Dismiss [Doc. 38] and the supporting memorandum [Doc. 39] is also **GRANTED**.

Also, at the November 12 hearing, the Court will hear argument on the Government's Motion to Preclude Defendants from Introducing Evidence in Support of Certain Justification Defenses [Doc. 57]. Defendant William Bichsel filed a response [Doc. 61] and supporting memorandum [Doc. 62] to the Government's motion on September 17, 2010. All of the Defendants, except for Defendants Gilbert and Baggerly, have moved to adopt Defendant Bichsel's response and memorandum [Docs. 63, 64, 65, 66, 67, 68, 69, 70, and 71]. The Court finds these requests to adopt Defendant Bichsel's response and memorandum to be well-taken. Accordingly, Defendant Hudson's [**Doc. 63**], Defendant DuVall's [**Doc. 64**], Defendant Walli's [**Doc. 65**], Defendant Gump's [**Doc. 66**], Defendant Lentsch's [**Doc. 67**], Defendant Rosdatter's [**Doc. 68**], Defendant Lytle's [**Doc. 69**], Defendant Corcoran's [**Doc. 70**], Defendant Platte's [**Doc. 71**], and Defendant Urfer's motions to adopt Defendant Bichsel's response and memorandum are **GRANTED**.

Finally, the Court instructs the parties that any Defendant represented by counsel at the November 12 hearing is not required to attend the hearing and is permitted to waive his or her appearance if defense counsel is in attendance. Defendant Baggerly, who represents himself, must attend the November 12, 2010 motion hearing.

Accordingly, it is **ORDERED**:

(1) On **November 12, 2010, at 1:30 p.m.**, the parties are to appear for a motion hearing on the Defendants' Motion to Dismiss the Information [**Doc. 38**] and the Government's Motion to Preclude Defendants from Introducing Evidence in Support of Certain Justification Defenses [**Doc. 57**];

(2) Defendant Bonnie L. Urfer's Motion to Late File Motions to Adopt [**Doc. 72**] is **GRANTED**. The Clerk of Court is **DIRECTED** to file the two attached Motions to Adopt in the record. These Motions to Adopt by Defendant Urfer are also **GRANTED**;

(3) Defendant Hudson's [**Doc. 63**], Defendant DuVall's [**Doc. 64**], Defendant Walli's [**Doc. 65**], Defendant Gump's [**Doc. 66**], Defendant Lentsch's [**Doc. 67**], Defendant Rosdatter's [**Doc. 68**], Defendant Lyttle's [**Doc. 69**], Defendant Corcoran's [**Doc. 70**], and Defendant Platte's [**Doc. 71**] motions to adopt Defendant Bichsel's response [Doc. 61] and memorandum [Doc. 62] are **GRANTED**; and

(4) The Court permits any Defendant who is represented by counsel at the November 12, 2010 hearing to waive his or her appearance at that hearing.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge